

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 COLE LUSBY,

7 Defendant

Case No.: 2:18-cr-00136-APG-PAL

**Order Granting Government's Emergency
Motion for Reconsideration and Dismissing
Indictment**

[ECF No. 77]

8 In light of my ruling yesterday (ECF No. 76), the Government now moves me to
9 reconsider my earlier denial of defendant Cole Lusby's motion to dismiss (ECF No. 30) and
10 instead grant that motion. ECF No. 77. Given that the Government admits it cannot prove its
11 case in light of my order, I will dismiss the Indictment.

12 IT IS THEREFORE ORDERED that the Government's emergency motion for
13 reconsideration (**ECF No. 77**) is **GRANTED**. I dismiss the Indictment against defendant Cole
14 Lusby. The clerk of the court is directed to close this file. The revocation proceedings in Case
15 No. 2:16-cr-00181-APG-PAL will proceed as scheduled on September 4, 2018 absent a
16 stipulation from the parties or an order from this court.

17 DATED this 31st day of August, 2018.

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19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
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